

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 25, 2004

D044497 People v. Little

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D044304 People v. Barnes

The judgment is affirmed. Huffman, J.; I Concur: McConnell, P.J., I Concur: in Result Benke, J.

D043013 Gorges et al. v. Somo

The judgment is reversed with directions to enter a new judgment in favor of Samir Somo on all causes of action, including unjust enrichment. (Code of Civ. Proc., section 43). Each party to bear its own costs. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D042430 Riverwatch v. County of San Diego/Palomar Aggregates, Inc., et al.

Because the record shows the AQSI fully and adequately met the requirements of the trial court's writ, the trial court did not abuse its discretion in denying Riverwatch's supplemental petition and discharging the writ. Orders are affirmed. Respondents to recover their costs on appeal. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D043066 Hilliard v. Qualcomm Incorporated

The judgment is affirmed. Qualcomm is entitled to costs on appeal. McConnell, P.J.; We Concur: Nares, J., O'Rourke, J.

D044446 Black Historical Society of San Diego v. City of San Diego et al.

The judgment is affirmed. The stay issued on July 27, 2004, is vacated. Costs on appeal are awarded to the City. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

D041258 Bonilla et al. v. Transamerican Auto Parts, Inc., et al.

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D045147 In re Lopez on Habeas Corpus

The petition and request for appointment of counsel are denied.

**D045227 Sweetwater Union High School District v. Superior Court of San Diego
County/Polonia M-W**

At the request of petitioner, the petition for writ of mandate is dismissed.

**D044974 Iola M., v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The attorney for petitioner Iola M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D045262 Rosati v. Superior Court of San Diego County/McMahon

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 26, 2004

D044668 Bridget D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D042307 People v. Kahle, Jr.

The sentence imposed pursuant to section 667, subdivision (b) through (i), is reversed and the matter is remanded for a trial on that issue. In all other respects the judgment is affirmed. Benke, Acting P.J.; We Concur: Haller, J., Aaron, J.

D042036 People v. Arnold

The judgment is affirmed as to the convictions. The judgment is reversed as to the sentence and remanded for resentencing in a manner consistent with the views expressed in this opinion. Haller, J.; I Concur: Aaron, J.; I Concur and Dissent (by opinion): Benke, Acting P.J.

D044435 In re Cheyanne J., a Juvenile

The visitation order is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D041824 People v. Vizcarra

The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

D045116 Maria S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Maria S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D045087 Kathleen M. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Loren J. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D045264 Williams v. Superior Court of San Diego County/People

The petition is denied.

D043967 In re the Marriage of Lien

Appellant's unopposed motion to reinstate appeal is granted.

D045258 Mann et al. v. Superior Court of San Diego County/Quality Old Time Service, Inc., et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 27, 2004

D043514 People v. Sanchez

The judgment is affirmed. Nares, J.; We Concur: McConnnell P.J., McIntrye, J.

D045144 The Aspire-Encore at Rancho Del Rey Homeowners Association et al. v. Amkhanitsky

Defendant Mikhail Amkhanitsky appeal is dismissed as untimely. Defendant's notice of appeal states the appeal is from a default judgment, but the notice of appeal does not specify the date the judgment was entered. However, a copy of a judgment entered on August 27, 2001 against defendant Amkhanitsky and others in the superior court case referenced in the notice of appeal (GIS004789) is attached to both the notice of appeal and defendant's civil case information statement, and the civil case information statement states the appeal is from that judgment. Accordingly, this court construes the notice of appeal as being from the August 27, 2001 judgment.

Under California Rules of Court, rule 2(a)(3), the latest a notice of appeal can be filed under any circumstances is 180 days after entry of the judgment or order from which the appeal is taken. Because the notice of appeal in this case was filed on March 24, 2004, more than 180 days after August 27, 2001, the appeal is untimely. If a notice of appeal is filed late, the reviewing court is without jurisdiction to proceed and must dismiss the appeal. California Rules of Court, rule 2(e); Van Beurden Ins. Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc. (1997) 15 Cal.4th 51, 56.)

D041356 In re Tobacco Cases, II, JCCP 4042

The opinion filed October 6, 2004, is ordered certified for publication. The motion for modification is denied. The petition for rehearing is denied.

D043484 People v. Alvarez

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Irion, J.

D043497 Traffic Tech, Inc. v. Davis Transport, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D044482 In re Geraldo M., a Juvenile

The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D045169 The Harbor Drive Venture et al. v. Superior Court of San Diego County/The One Harbor Drive Homeowners Association et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 28, 2004

D045075 Westly v. Superior Court of San Diego County/Candace Cates
D045076 Bill Lockyer v. Superior Court of San Diego County/Candace Cates
The above petitions are consolidated for disposition.

D045075 Westly v. Superior Court of San Diego County/Candace Cates
D045076 Bill Lockyer v. Superior Court of San Diego County/Candace Cates
Let a peremptory writ of mandate issue directing the superior court to vacate its September 3, 2004, ruling and enter protective orders precluding the depositions of Controller Westly and Attorney General Lockyer. This opinion is made final immediately. (Cal. Rules of Court, rule 24(b)(3)). The stay issued on September 23, 2004, is vacated. The parties are to bear their own costs in the writ proceeding. McConnell, P.J.; We Concur: Irion, J., Aaron, J.

D043888 People v. Hansen
The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., Haller, J.

D044865 Alex E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency
The petition is denied. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D044078 Stephen C., a Minor etc. v. James C. et al.
Appellant's motion for relief from default and to vacate the dismissal for failure to file appellant's opening brief is granted. This court's order of September 28, 2004 is vacated.

D045297 Anderson et al. v. Superior Court of San Diego County/Dahlheimer
The petition is denied.

D045278 People v. Bulfer
Daniel Bulfer filed a notice of appeal from an order of the appellate division of the San Diego Superior Court. The order is not appealable. Review is by transfer and certification. The appeal is dismissed.

D045228 People v. Taylor
Mark A. Taylor filed a notice of appeal from a non-appealable order. The remedy is by way of a petition for a writ of habeas corpus. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
OCTOBER 29, 2004

D042460 People v. Alatorre

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D043405 Bossi v. Governing Board of the Southwestern Community College District

The judgment is reversed. The court is directed to enter a judgment granting a writ of mandate requiring Southwestern Community College District to set aside its March 11, 2002 decision not to reemploy Steven J. Bossi and to grant any other relief the court finds necessary consistent with this opinion. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D045135 In re Gonzalo M. Torres on Habeas Corpus

The petition is denied.

D043630 In re Courtney S. et al., Juveniles

D043897 In re Courtney S. et al., Juveniles

(Consolidated.) The orders are affirmed. Barbara's appeals from the orders dated January 16, 2004, and January 26, 2004, are dismissed. Aaron, J.; We Concur: McDonald, Acting P.J., Irion, J.

D044446 Black Historical Society of San Diego v. City of San Diego

The petition for rehearing is denied. The request for immediate stay is denied as moot since the stay in place will not expire until the opinion is final as to this court.